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NOV 19 2012	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

MARK G. TRATOS, ESQ.  
Nevada Bar No. 1086  
tratosm@gtlaw.com  
LAURI S. THOMPSON, ESQ.  
Nevada Bar No. 6846  
thompsonl@gtlaw.com  
LARAIN BURRELL, ESQ.  
Nevada Bar No. 8771  
burrelll@gtlaw.com  
GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway  
Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002  
*Counsel for Plaintiff, GNLV, Corp.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GNLV, Corp., a Nevada corporation,  
  
Plaintiff,

v.

Golden Nugget Arcade, Inc., an Ohio  
corporation,  
  
Defendant.

Case No.: 2:12-cv-01915-JCM-PAL

~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY INJUNCTION

This matter having come before the Honorable James C. Mahan on November 19, 2012, Tyler R. Andrews, of the law firm of Greenberg Traurig, LLP, appearing on behalf of plaintiff GNLV, Corp. ("GNLV" or "plaintiff") and no appearance being made on behalf of defendant Golden Nugget Arcade, Inc. ("GNA" or "defendant"), and good cause appearing therefore, this court hereby finds and orders as follows:

1. This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338;

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1           2.     The court has personal jurisdiction over the defendant in that defendant committed  
2 tortious acts that IT knew or should have known would cause injury to plaintiff in the state of  
3 Nevada;

4           3.     Defendant was personally served via its registered agent, on November 12, 2013 with  
5 the complaint in this action, summons, plaintiff's application for temporary restraining order and  
6 motion for preliminary injunction and temporary restraining order entered by this court on  
7 November 9, 2012;

8           4.     Plaintiff, in compliance with the order of this court, filed a bond in the amount of one  
9 thousand and no/100 dollars (\$1000.00) on November 15, 2011.

10          5.     Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business in Las  
11 Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas, Nevada. GNLV owns  
12 the mark GOLDEN NUGGET (the "GNLV marks") and has obtained federal registrations for the  
13 GNLV marks for various goods and services, including but not limited to:

- 14               (a)     GOLDEN NUGGET for casino and bar services (U.S. reg. no. 1,554,155);
- 15               (b)     GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. reg.
- 16 no. 1,082,044);
- 17               (c)     GOLDEN NUGGET for casino services (U.S. reg. no. 1,203,988); and
- 18               (d)     GOLDEN NUGGET for hotel and resort hotel services (U.S. reg. no.
- 19 2,240,084).

20          7.     Defendant Golden Nugget Arcade, Inc. has used the GOLDEN NUGGET mark in  
21 connection with its gaming services and a brick and mortar casino located in Canton, Ohio without  
22 plaintiff's authority or permission;

23          8.     Plaintiff GNLV will suffer irreparable injury if the Court does not require the  
24 defendant to cease and desist its use of GNLV's marks.

25          9.     Plaintiff has demonstrated likelihood of success on the merits of its mark  
26 infringement claims against defendant under the Lanhan Act, 15 U.S.C. § 1114, and Nevada law;  
27 and

28          10.    Plaintiff has demonstrated likelihood of success on the merits of its unfair


1 competition claims against defendant under the Lanham act, 15 U.S.C. § 1125(a).

2 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that GNLV's motion for  
3 preliminary injunction is hereby GRANTED.

4 IT IS FURTHER ORDERED that defendant will immediately cease and desist any and all  
5 use of plaintiff's name and trademarks and any and all variants thereof;

6 IT IS FURTHER ORDERED that defendant shall file, pursuant to 15 U.S.C. § 1116(a), with  
7 this court and serve upon plaintiff within thirty (30) days after entry of this order, a report in writing  
8 under oath setting forth in detail the manner and form in which defendant has complied with this  
9 court's order; and

10 IT IS FURTHER ORDERED that the bond posted with this court in the amount of one  
11 thousand and no/100 dollars (\$1000.00) shall be applied to this preliminary injunction.


12  
13   
14 UNITED STATES DISTRICT JUDGE

15 Dated: Nov. 19, 2012

16 Time: \_\_\_\_\_

17  
18 Respectfully submitted by:

19 GREENBERG TRAURIG, LLP

20  0/8/0  
21 Mark G. Tratos (Bar No. 1086)  
22 Lauri S. Thompson (Bar No. 6846)  
23 Laraine Burrell (Bar No. 8771)  
24 3773 Howard Hughes Parkway  
25 Suite 400 North  
26 Las Vegas, Nevada 89169  
27 Counsel for GNLV, Corp.  
28

GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway, Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002